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## NOTICE OF ALLOWANCE AND FEE(S) DUE

4955

7590

08/09/2010

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER

SALAD, ABDULLAH ELMI

ART UNIT

PAPER NUMBER

2457

DATE MAILED: 08/09/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,687	04/16/2004	David Leon	944-001.108-1	9596

TITLE OF INVENTION: METHOD AND DEVICE FOR PROACTIVE RATE ADAPTATION SIGNALING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/09/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
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**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

4955 7590 08/09/2010

**WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP**  
**BRADFORD GREEN, BUILDING 5**  
**755 MAIN STREET, P O BOX 224**  
**MONROE, LA 70646**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826.687 04/16/2004

David Leon

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TITLE OF INVENTION: METHOD AND DEVICE FOR PROACTIVE RATE ADAPTATION SIGNALING

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/09/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
SALAD, ABDULLAHI ELMI	2457	709-231000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

SALAD, ABDULLAH ILMU

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, LA 70648

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 600 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 600 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

# Notice of Allowability

Application No.

10/826,687

Examiner

Salad Abdullahi

Applicant(s)

LEON ET AL.

Art Unit

2457

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 5/12/2010.
2. ☒ The allowed claim(s) is/are 1-7,9-17,19-34 and 36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Kenneth Q. Lao on 7/29/2010.

The application has been amended as follows:

### **In claims**

#### **Replace all the claims as attached.**

1. (previously presented) A method comprising:

defining in a client in a multimedia streaming network at least one parameter for determining a rate adaptation operating range, wherein the streaming network comprises a server configured for providing streaming data to the client, the client having a receiver buffer for storing at least part of the streaming data to compensate for a difference between data transmission amount by the server and usage amount of the streaming data by the client so as to allow the client to have sufficient amount of streaming data to play out in a non-disruptive manner, and wherein the rate adaption operating range is used *for rate* adaptation between the server and the client;

providing to the server information indicative of said at least one parameter;

adapting in the server the data amount to a reception rate at the client based

on said at least one parameter; and

adjusting in the client packet transfer delay variation based on said adapting, wherein said at least one parameter comprises a shift amount in time indicative of a difference between a sampling time and a transmission time of a packet at the server.

2. (previously presented) A method according to claim 1, wherein said shift amount is **substantially** equal to said difference so as to allow the server to carry out said adapting based on the shift amount.

3. (previously presented) A method according to claim 1, wherein said shift amount is greater than said difference so as to allow the server to carry out said adapting based on the shift amount.

4. (previously presented) A method according to claim 1, wherein said at least one parameter further comprises a number specifying a maximum difference between the number of bytes that has been sent and the number of bytes that have been sampled so as to allow the server to carry out said adapting based on the number. 5\_ (previously presented) A method according to claim 1, further comprising adapting a sampling rate to the transmission rate in the server based on said at least one parameter.

6. (currently amended) A method comprising:

defining in a client in a multimedia streaming network at least one parameter for determining a rate adaptation operating range, wherein the streaming network comprises a server configured for providing streaming data to the client, the client

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having a receiver buffer for storing at least part of the streaming data to compensate for a difference between data transmission amount by the server and usage amount of the streaming data by the client so as to allow the client to have sufficient amount of streaming data to play out in a non-disruptive manner, and wherein the rate adaption operating range is used for rate adaptation between the server and the client;

providing to the server information indicative of said at least one parameter; adapting in the server the data amount to a reception rate at the client based on said at least one parameter; and

adjusting in the client packet transfer delay variation based on said adapting, wherein said at least one parameter comprises a shift amount in time indicative of a difference between a sampling time and a transmission time of a packet at the server clock drift between the server and the client

7. (previously presented) A method according to claim 6, wherein said adapting comprises an adjustment of a transmission rate.

8. (canceled)

9. (currently amended) A method according to claim [[1]] 6, wherein said adapting comprises an adjustment of both a transmission rate and a sampling rate.

10. (currently amended) A method according to claim [[1]] 6, wherein said at least one parameter further comprises: a number specifying a maximum

difference between the number of bytes that has been sent and the number of bytes that have been sampled; and

a clock shift amount indicative of a clock drift between the client and the server.

11. (previously presented) A multimedia streaming network comprising:

at least a client; and

a server for providing streaming data to the client, the client having a receiver buffer to compensate for a difference between data transmission amount by the server and data usage amount by the client so as to allow the client to have sufficient amount of streaming data to play-out in a non-disruptive manner, wherein the client comprises:

a mechanism for defining at least one parameter for determining a rate adaptation operating range; and for providing information indicative of said at least one parameter to the server so as to allow the server to adapt the data amount to a reception rate at the client based on said at least one parameter; and

a mechanism to adjust a packet transfer delay variation based on said adapting, wherein said at least one parameter comprises a shift amount in time indicative of a difference between a sampling time and a transmission time of a packet at the server.

12. (previously presented) A multimedia streaming network according to claim 11, wherein said shift amount is equal to said difference so as to allow at the server to carry out said adapting based on said shift amount.



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13. (previously presented) A multimedia streaming network according to claim 11, wherein said shift amount is greater than said difference.

14. (previously presented) A multimedia streaming network according to claim 11, wherein said at least one parameter further comprises a number specifying a maximum difference between the number of bytes that has been sent and the number of bytes that have been sampled so as to allow the server to carry out said adapting.

15. (previously presented) A multimedia streaming network according to claim 11, wherein the server comprises an adapting mechanism for adapting a sampling rate to the transmission rate based on said at least one parameter.

16. (previously presented) A multimedia streaming network according to claim 11, wherein said at least one parameter further comprises a further shift amount indicative of a clock drift between the server and the client.

17. (previously presented) A multimedia streaming network according to claim 11, wherein the server comprises an adapting mechanism for adjusting a transmission rate.

18. (canceled)

19. (previously presented) A multimedia streaming network according to claim 11, wherein the server comprises an adapting mechanism for adjusting both a

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transmission rate and a sampling rate.

20. (previously presented) A multimedia streaming network according to claim 11, wherein the server comprises a software program having at least a programming code for carrying out said adapting.

21. (currently amended) A non-transitory computer readable storage medium embedded with a software program comprising:

programming code for defining in a client in a multimedia network at least one parameter for determining a rate adaptation operation range, wherein the streaming network comprises a server configured for providing streaming data to the client, the client having a receiver buffer for storing at least part of the streaming data to compensate for a difference between data transmission amount by the server and usage amount of the streaming data by the client so as to allow the client to have sufficient amount of streaming data to play out in a non-disruptive manner, where information indicative to said at least one parameter is provided to the server so as to allow the server to carry out rate adaptation between the server and the client based on said at least one parameter, wherein said one parameter comprises a shift amount in time indicative of a difference between a sampling time and a transmission of a packet at the server; and

programming code for adjusting a packet transfer delay variation in the client for the rate adaptation.

22. (currently amended) A non-transitory computer readable storage medium according to claim 21, wherein said shift amount is ~~substantially~~ equal to said difference so as to allow at the server to carry out said rate adaptation.

23. (currently amended) A non-transitory computer readable storage medium according to claim 21, wherein said shift amount is greater than said difference so as to allow the server to carry out said rate adaptation.

24. (currently amended) A non-transitory-computer readable storage medium according to claim 21, wherein said at least one parameter further comprises a number specifying a maximum difference between the number of bytes that have been sent and the number of bytes that have been sampled so as to allow the server to carry out said rate adaptation.

25. (currently amended) A non-transitory computer readable storage medium according to claim 21, wherein said at least one parameter further comprises a further shift amount indicative of a clock drift between the server and the client.

26. (previously presented) An apparatus comprising:

a buffer for storing at least part of streaming data provided by a server in a multimedia streaming network to compensate for a difference between data transmission amount by the server and the data usage amount in a client so that sufficient amount of the streaming data can be played out in a non-disruptive manner;

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a mechanism for defining at least one parameter that determines a rate adaptation operating range in the server so as to allow the server to adapt the data transmission amount to a reception rate at the client based on said at least one parameter, wherein said one parameter comprises a shift amount in time indicative of a difference between a sampling time and a transmission time of a packet at the server; and

a mechanism for adjusting a packet transfer delay variation based on said adapting.

27. (previously presented) An apparatus according to claim 26, wherein said defining mechanism comprises a software program having at least a programming code for defining said at least one parameter.

28. (previously presented) An apparatus according to claim 26, wherein said adjusting mechanism comprises a software program having at least a code for adjusting the packet transfer delay variation.

29. (previously presented) An apparatus according to claim 26, wherein said shift amount is **substantially** equal to said difference so as to allow the server to carry out said adapting based on the shift amount.

30. (previously presented) An apparatus according to claim 26, wherein said shift amount is greater than said difference so as to allow the server to carry out said adapting based on the shift amount.

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31. (previously presented) An apparatus according to claim 26, wherein said at least one parameter further comprises a number specifying a maximum difference between the number of bytes that have been sent and the number of bytes that have been sampled so as to allow the server to carry out said adapting based on the number.

32. (currently amended) A network element in the multimedia streaming network, said network element comprising:

a receiving module for receiving a request from a client have a buffer for storing at least part of streaming data provided by the network element to compensate for a difference between data transmission amount by the network element and data usage amount by the client so that the client has sufficient amount of streaming data to play out in a non-disruptive manner, the request indicative of at least one parameter that determines a rate adaptation operating range in the network element, wherein said one parameter comprises a shift amount in time indicative of a difference between a sampling time and a transmission time of a packet at the network element

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a server buffer for storing the streaming data to be transmitted to the client' and

a mechanism for adapting, based on said at least one parameter, the data transmission amount from the network element to a reception rate at the client, so as to allow the client to adjust a packet transfer delay variation based on said adapting.

33. (previously presented) A network element according to claim 32, wherein said adapting mechanism comprises a software program having at least a programming code for adapting the data transmission amount.

34. (previously presented) A network element according to claim 33, wherein the software program comprises a programming code for adjusting the transmission rate.

35. (canceled)

36. (previously presented) A network element according to claim 33, wherein the software program comprises a programming code for adjusting of both a transmission rate and a sampling rate.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Salad Abdullahi/  
Primary Examiner, Art Unit 2457